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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,223	02/27/2004	Kaoru Usui	MM4704	7958
1109	7590	11/03/2005	EXAMINER	
ANDERSON, KILL & OLICK, P.C. 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020-1182				SMITH, TYRONE W
ART UNIT		PAPER NUMBER		
		2837		

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/789,223	USUI ET AL.	
	Examiner Tyrone W. Smith	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 13 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Kanayama (4477751).

Regarding Claim 1 and 20. Kanayama discloses a motor brake device, which includes electric motor (Figure 4 item M) that is connected between the first (Figure 4 items 10, 30) and second (Figure 4 items 20, 40) transistor, which discloses turning OFF the first transistor and turning ON the second transistor in accordance with a brake operation instruction signal from the control circuit (Figure 4 items 32) and forcing the first transistor to be turned OFF in accordance with the brake operation instruction signal. Further, Kanayama discloses control circuits (Figure 4 items 22, 24, 28 and 30; note that the gates can be individual control units or paired to create two separate control units) in which one of the control circuit forces the first transistor to be turned OFF in accordance with the operation instruction signal independently from the other control circuit (column 4 lines 22-61).

Regarding Claim 2, 3, 6, 18 and 19. Kanayama discloses the first transistor (NPN) controls supplying of a drive current to the motor, and the second transistor (NPN) controls drawing of the drive current from the motor (Figure 4).

Regarding Claims 4, 5, 7, 8 and 20. Kanayama discloses a switching element (Figure 1 items 22, 24, 28 and 30; note that the gates can be individual control units or paired to create to

separate control units) provided between the connection point between the first (Figure 4 items 10, 30) and second (Figure 4 items 20, 40) transistor and the (Figure 4 item 32) that turns ON the switching element in accordance with the brake operation instruction signal.

Regarding Claim 9. Kanayama discloses an H-bridge electric motor (Figure 4 item M), which discloses turning OFF the first transistor (Figure 4 items 10, 30) and turning ON the second transistor (Figure 4 items 20, 40) in accordance with a brake operation instruction signal and forcing the first transistor to be turned OFF in accordance with the brake operation instruction signal (column 4 lines 22-61).

Regarding Claim 10. Kanayama discloses the first transistor (NPN) controls supplying of a drive current to the motor, and the second transistor (NPN) controls drawing of the drive current from the motor (Figure 4).

Regarding Claims 11 and 14. Kanayama discloses first (Figure 4 items 10, 30) and second (Figure 4 items 20, 40) transistor are each formed by an NPN transistor and the step of forcing the first transistor to be turned OFF is performed by lowering a base potential of the first transistor (column 3 lines 26-68 and column 4 lines 1-61).

Regarding Claims 12, 13, 15 and 16. Kanayama discloses the step of forcing the first transistor (Figure 4 items 10, 30) to be turned OFF is performed by turning ON a switching element/driver (Figure 1 items 22, 24, 28 and 30; note that the gates can be individual control units or paired to create two separate control units) that is provided between the connection point between the first and second transistors and the motor and a base of the first transistor in accordance with the brake operation instruction signal (column 3 lines 26-68 and column 4 lines 1-61).

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent arts of record related to the current invention are disclosed in the PTO-892.

**Response to Arguments**

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

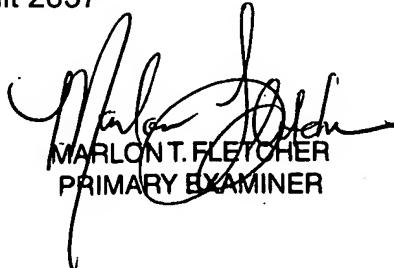
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W. Smith whose telephone number is 571-272-2075. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2800 ext. 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tyrone Smith  
Patent Examiner

Art Unit 2837



MARLON T. FLETCHER  
PRIMARY EXAMINER